

Rules of
Department of Corrections
Division 10—Director
Chapter 5—Offender Management

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Title 14—DEPARTMENT OF CORRECTIONS

Division 10—Director

Chapter 5—Offender Management

14 CSR 10-5.010 Time Credit

PURPOSE: This procedure establishes the guidelines for the Department of Corrections to award time credit as authorized by section 558.041, RSMo (1986) to inmates who have served their sentences in an orderly and peaceful manner and are not specifically excluded by law. This procedure applies to all divisions of the Department of Corrections.

(1) Definitions.

(A) Time credit. Days subtracted from the incarceration time.

(B) Prior offender. One who previously has pled guilty to or has been found guilty of one (1) felony and the court has made this finding (sections 558.016, 558.019 and 558.021, RSMo).

(C) Persistent offender. One who previously has pled guilty to or has been found guilty of two (2) or more felonies committed at different times and the court has made this finding (sections 558.016, 558.019 and 558.021, RSMo).

(D) Class x-offender. One who has previously pled guilty to or has been found guilty of three (3) felonies at different times and the court has made this finding (sections 558.019 and 558.021, RSMo).

(E) Conditional release date. A release to supervision after the completion of a statutorily fixed prison term of all sentences.

(F) Prison term. The time required to be served by the offender before s/he is eligible for conditional release (section 558.011, RSMo).

(2) Procedure.

(A) Eligibility. Each inmate of the Department of Corrections sentenced under provisions of the new criminal code pursuant to section 556.031, RSMo may be eligible to receive time credit, except those listed under subsection (2)(B). The credit shall be subtracted from the established conditional release date, creating a projected time credit release date. Inmates demonstrating acceptable behavior and appropriate program involvement shall be eligible for consideration for administrative parole release on that date. This credit shall be calculated upon assignment to the division and shall be calculated at the rate of—

1. One (1) calendar month for each year of the sentence for Class A or B offenders; and

2. Two (2) calendar months for each year of the sentence for Class C or D offenders.

(B) Inmates Not Eligible. Those inmates not eligible for time credit are as follows:

1. Inmates whose conditional release date has been extended to maximum release date because of disciplinary action;

2. Inmates whose conviction was based on a crime committed before January 1, 1979;

3. Inmates serving life sentences or convicted for the crime of persistent sexual offender (section 558.018, RSMo);

4. Inmates convicted of tampering with a victim/witness (section 575.270, RSMo);

5. Inmates convicted of drug sales or possession by a prior drug offender (section 195.200, RSMo);

6. Inmates sentenced as dangerous or persistent offenders (section 558.016.6., RSMo); and

7. Inmates shall not be eligible for time credits until the minimum term required by law has been served for the following:

A. When sentenced as a prior, persistent or a class x-offender (section 558.019, RSMo); and

B. When convicted of armed criminal action (section 571.015, RSMo) or pharmacy robbery I/II (sections 569.035 and 569.085, RSMo).

(C) Parole or conditional release violators with more than one hundred twenty (120) days to serve to their maximum release dates may be eligible to earn time credit at the rate of two and one-half (2 1/2) days per month for Class A or B offenders for the number of months remaining on the sentence at the time of revocation. The rate for Class C or D offenders shall be five (5) days per month. This credit shall be subtracted from the established maximum conditional release date creating a projected time credit release date. Parole or conditional release violators demonstrating acceptable behavior and appropriate program involvement shall be eligible for consideration for administrative parole release on that date.

(D) One hundred eighty (180) days prior to the projected time credit release date the institution head shall forward for each eligible inmate a completed time credit eligibility form to the appropriate institutional parole office supervisor or liaison officer. The form shall include the institution head's recommendation to approve or deny time credit.

(E) The assigned institutional parole officer or liaison officer shall prepare a prerelease report for each inmate recommended for time credit and forward the report with the corresponding recommendation, as well

as all other time credit eligibility forms which contain a recommendation to deny time credit, to the chairman of the Board of Probation and Parole.

(F) One hundred twenty (120) days prior to the projected time credit release date, the institution head shall forward to the chairman of the Board of Probation and Parole names of inmates eligible for consideration for administrative parole. The institution head shall certify satisfactory conduct and program participation.

(G) Time credit release dates will be utilized in determining eligibility for furloughs, work release and education release.

AUTHORITY: sections 217.040 and 558.041, RSMo 1986. This rule was previously filed as 14 CSR 20-8.020. Original rule filed March 14, 1984, effective July 15, 1984. Amended: Filed Aug. 8, 1984, effective Dec. 15, 1984. Rescinded and readopted: Filed June 16, 1988, effective Sept. 29, 1988. Amended: Filed Jan. 27, 1989, effective May 13, 1989.*

**Original authority: 217.040, RSMo 1982, amended 1989 and 558.041, RSMo 1983, amended 1986.*

14 CSR 10-5.020 Private Sector/Prison Industry Certification Program

PURPOSE: The Private Sector/Prison Industry Enhancement Certification Program allows for contracts that produce income so inmates can make—a contribution to society, their own cost, victims of crime, and provides purposeful work for inmates, thereby reducing prison tensions, increasing job skills and providing opportunity for inmate rehabilitation.

(1) To expand inmate employment opportunities, the department will seek to enter into a joint employment venture(s) with the private sector. These ventures can only be accomplished through approval by the Private Sector/Prison Industry Enhancement Certification Program, which is administered through the Federal Bureau of Justice Assistance. This procedure will encompass all administrative criteria for participation in that program.

(A) Authority to Contract with Private Sector. Subject to provisions of section 217.090, RSMo, the department director has the authority to determine whether certain governmental, private or not-for-profit activities could be conducted on the grounds of an institution while being compatible with the services of that facility.

(B) Lease of Building/Land.

1. Subject to provisions of section 217.090, RSMo, the director may lease space and/or one (1) or more buildings or portions of buildings on the grounds of any correctional institution, together with the real estate needed for reasonable access to and egress from the leased premises, to a private individual, corporation, partnership or other lawful entity for the purpose of establishing and operating a business enterprise.

2. The term of the lease is to be determined by the director with the approval of the Missouri Correctional Industries Advisory Board and the Joint Committee on Correctional Institutions and Problems. The enterprise(s) at all times will observe the practices and procedures regarding security as the lease may specify or as the facility superintendent may temporarily stipulate during periods of emergency. The enterprise shall be deemed a private enterprise subject to all federal and state laws governing the operation of similar private business enterprises, as specified by the authorized contract.

(C) Employment of Inmates.

1. Upon the approval of the director, any lessee operating this enterprise may employ and discharge from employment selected inmates of the correctional institution where the enterprise is operated or from other institutions in close proximity.

2. Inmate participation in these operations is strictly voluntary. Inmates assigned to an enterprise are subject to all departmental and divisional rules in addition to rules promulgated by the authorized contractor. Inmate workers will agree in advance to wage deductions and all other financial arrangements.

3. Inmates employed in these operations will be covered by Workers' Compensation insurance, specified in the contract as a responsibility of the authorized contractor.

(D) Wages.

1. The department director will obtain written assurances from the Missouri Department of Labor and Industrial Relations that inmate worker compensation plans, including wages, bonus and piece work rates are comparable to wages paid for work of a similar nature in the locality in which the work is performed. In the absence of work of a similar nature, inmate compensation from wages or piece rates may not be less than the federal minimum wage.

2. The department director will obtain written assurances from the Missouri Department of Labor and Industrial Relations which stipulate that paid inmate employment will not result in displacement of employed workers, be applied in skills, crafts or trades in which there is a surplus of available gainful

labor in the locality or impair existing contracts for services.

(E) Deduction from Wages.

1. Subject to the provisions of section 217.255, RSMo, the department has the authority to pay into the Crime Victims Compensation Fund and the fund has the authority to accept deductions from an inmate's compensation. Inmates assigned to an enterprise for employment purposes shall be required to pay a percentage of his/her wages as established by the department director of not less than five percent (5%) nor more than twenty percent (20%) of gross wages to the Crime Victims Compensation Fund, section 595.045, RSMo.

2. Subject to the provisions of section 217.260(3), RSMo, as provided by division rule, upon consent of the inmate, the director may permit inmate earnings to be used for the support of the inmate's family or other rightful dependents. The director will determine reasonable deductions from wages to include room and board; federal, state and Social Security taxes; and family support. All deductions must not total more than eighty percent (80%) of gross wages. Provisions of the Fair Labor Standards Act shall apply to contractual inmate workers.

(F) Consultation with Missouri Correctional Industries Advisory Board subject to section 217.550, RSMo, consultation with representatives of the labor unions and the private sector will be accomplished through a review and approval of the proposed operations with the Missouri Correctional Industries Advisory Board.

AUTHORITY: sections 217.040, 217.090, 217.550 and 595.045, RSMo 1986. Original rule filed Sept. 23, 1988, effective Jan. 13, 1989.*

**Original authority: 217.040, RSMo 1982; 217.090, RSMo 1982; 217.550, RSMo 1982; and 595.045, RSMo 1981, amended 1982, 1984, 1985, 1986, 1988.*